

LABEL, IN PART: "Hickok's Honey Comb Chocolate Chips," "Spangler's Chocolate Covered Thin Mints," "Asst. Chocolates," or "Valentine Marshmallow Hearts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, fly fragments, feather barbules, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 13, 1951. Pleas of guilty having been entered, the court fined the corporation \$300 and the individual defendant \$100, plus costs.

17807. Adulteration of candy. U. S. v. Runkle Co. Plea of guilty. Fine of \$600, plus costs. (F. D. C. No. 31123. Sample Nos. 2879-L, 2880-L, 10964-L.)

INFORMATION FILED: August 7, 1951, Northern District of Ohio, against the Runkle Co., a corporation, Kenton, Ohio

ALLEGED SHIPMENT: On or about January 29 and 31, 1951, from the State of Ohio into the States of Indiana and West Virginia.

LABEL, IN PART: "Jane Ann Candies Cocoanut Bon Bons [or "Cream Peanut Cluster"]" or "Hand Dipped 'Morning Glory' Pure Cocoanut Bon Bons."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 13, 1951. A plea of guilty having been entered, the court fined the defendant \$600, plus costs.

17808. Misbranding of candy. U. S. v. 50 Cases * * *. Contempt proceedings instituted against G. W. Mullaney, charging resistance to seizure; fine of \$50 imposed. Decree of condemnation entered against product. (F. D. C. No. 28357. Sample No. 50772-K.)

LIBEL FILED: November 18, 1949, District of Montana.

ALLEGED SHIPMENT: On or about October 18, 1949, by Mintco of California, from Los Angeles, Calif.

PRODUCT: 50 cases, each containing 60 boxes, of candy at Butte, Mont.

LABEL, IN PART: "Merry Christmas Talking Santa with 4 Big Lucky Candy Canes * * * Net Weight 4 Oz. or more."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 4 Oz. or more" was inaccurate. (Examination showed that the article was short of the declared weight.)

DISPOSITION: Following the filing of the libel, the United States marshal attempted to make seizure of the product on November 18 and 22, 1949, but was advised by G. W. Mullaney, Walkerville, Mont., from whom the product was to be seized, that the product had been sold. Thereafter, information was obtained as to the location of the product, and seizure was effected on November 28, 1949. Subsequently, on the basis of additional evidence, G. W. Mullaney was charged with contempt of court. The defendant entered a

plea of not guilty, and the matter came on for trial on December 15, 1949. The trial was concluded on the same day, and the court found that on November 18 and 22, 1949, the defendant resisted the warrant of arrest and monition issued for the purpose of seizing the product which was the subject of the libel proceedings, and prevented the United States marshal from executing the warrant by concealment of the product and deceiving the marshal as to its location. The defendant, accordingly was adjudged in contempt of court and was fined \$50.

On February 14, 1950, Mintco of California, claimant, filed an answer denying that the product was misbranded in interstate commerce. On September 7, 1951, the matter was set for trial, but the claimant failed to appear at the time and place set for trial and was adjudged to be in default. On September 10, 1951, judgment of condemnation was entered, and the court ordered that the product be delivered to a charitable institution for use as animal feed or destroyed. The product was destroyed.

17809. Misbranding of candy. U. S. v. 180 Boxes * * *. (F. D. C. No. 31169. Sample No. 1324-L.)

LIBEL FILED: On or about June 5, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 8, 1951, by the Rhodes Candy Co., from Savannah, Tenn.

PRODUCT: 180 boxes, each containing 24 balls, of candy at Atlanta, Ga.

LABEL, IN PART: (Ball) "M-Delicious Balls 5¢ * * * Net Wt. 2 Ozs. or Over."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The weight of the candy was less than that declared on the label.)

DISPOSITION: July 3, 1951. Default decree of condemnation. The court ordered that, in lieu of destruction, the product be delivered to a public institution.

CEREALS AND CEREAL PRODUCTS

FLOUR

17810. Adulteration of flour. U. S. v. 139 Bags, etc. (F. D. C. No. 31321. Sample Nos. 12918-L to 12921-L, incl.)

LIBEL FILED: July 16, 1951, District of Wyoming.

ALLEGED SHIPMENT: On or about January 13, February 23, and March 26 and 28, 1951, from Ogden and Logan, Utah.

PRODUCT: 499 50-pound bags of flour at Rock Springs, Wyo., in the possession of the Utah Wholesale Grocery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 31, 1951. The Utah Wholesale Grocery, Rock Springs, Wyo., claimant, having authorized the taking of a final decree, judgment of condemnation was entered and the court ordered that the product be destroyed.